

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE DASILVA, JR.,

Plaintiff,

Civil No. 20-11358

v.

Honorable Mark A. Goldsmith

CHRISTINE WORMUTH,
Secretary of the Army, and MARTIN
POTTER, in his individual capacity,

Magistrate Judge Anthony P. Patti

Defendants.

DECLARATION OF SHANE BIEHL

1. My name is Shane Biehl. I am currently a Captain at the Detroit Arsenal Fire Department, and I have served in that position since 2019.
2. I started at the Detroit Arsenal as a Firefighter in 2008. I have known Joe DaSilva since 2008 and have worked with him frequently. We worked together almost every day for around 5 years. I have observed his behavior and conduct at work.
3. I have personally observed Mr. DaSilva watching pornography in his bunkroom and heard the moaning from the video.
4. When I was dating my wife, who is Filipino, Mr. DaSilva asked me, “is it true what they say about Asian girls, are their vaginas slanted sideways?” I told

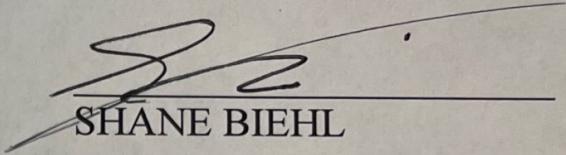
him you are a medical proficient and you know that's not true. Plus I said it's not funny to talk about my girlfriends vagina. Two or three years later, Mr. DaSilva asked me the same question: "is it true about Asian girls? Are their vaginas slanted sideways?" I was quite mad by this statement, so I asked Mr. Dasilva to speak to me privately in the engine stall and I told him, you already asked me this, and you are now talking about my wife's vagina! I also said it's not funny and you know that's not true. I stated if he says anything like this again, we're going to have a problem.

5. Mr. DaSilva used profanity constantly at work, like "what's up fucker," "fuck-fuck", "piece of shit," "dickhead," etc.
6. One day, while conducting a fire inspection of building #210, I observed Mr. DaSilva approach Ms. Jill Bramer, who was visibly pregnant. He went up to her and said, "Oh my God, you're pregnant," or something along those lines, and then put his hand on Ms. Bramer's stomach. Ms. Bramer physically pushed Mr. DaSilva's hand away while sternly telling Mr. DaSilva not to touch her. From then on, I noticed Ms. Bramer avoided having close contact with Mr. DaSilva, by using me as a barrier between herself and Mr. DaSilva.
7. Mr. DaSilva has talked to me about his lawsuit. I said to him, "come on, you've done way worse." Mr. DaSilva responded, "Yeah, but this is a manager

doing it.” Mr. DaSilva then expressed his hope that his lawsuit will get Martin Potter Fired and “pay out soon.”

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: 12/15/2022



SHANE BIEHL